

REMARKS/ARGUMENTS

By this Amendment, claims 44, 46-47, 54, 57-58, and 60-61 have been amended. Claim 69 has been added. Support for the newly added claim 69 can be found, *e.g.*, at paragraph [0275]. Claims 45, 49-53, 59 have been canceled without prejudice to future prosecution. After entry of these amendments, claims 44, 46-48, 54-58, 60-61 and 69 are pending in the application.

Each of the grounds of rejections raised in the Office Action will be addressed below.

Election/restriction

In response to the Election Requirement of a single siRNA target sequence from the group consisting of SEQ ID NO: 32, 33, 34, 35, 36, 37, and 108, applicant has elected SEQ ID NO: 34. To expedite prosecution, Applicants have amended claims to delete the references to non-elected embodiments SEQ ID NO: 32, 33, 35, 36, 37, and 108. Furthermore, Applicants have amended claims to delete the references to non-elected embodiments GHSR1b, NTSR1, and FOXM1 and SEQ ID NOs: 3, 5, 106.

Claim rejections under 35 USC §112

Claims 45, 46, and 49-53 are rejected under 35 USC §112 as allegedly indefinite for reciting the term “about.” To expedite prosecution, Applicants have amended the claims to delete the term “about.” Thus, these rejections have been rendered moot in view of the amendment.

Claim rejections under 35 USC §102

Claims 44, 48-56, and 59-60 are rejected under 35 USC §102 as allegedly anticipated by Jackson *et al.* (US Patent Publication No. 2008/234941), Jakobovits, *et al.* (US Patent No. 7,358,353), Khvorova, *et al.* (US Patent Publication No. 2005/245475), and Weil, *et al.* (*Biotechniques*, 33(6): 1244-1248, 2002). Specifically, the Examiner asserts that the above-referenced publications disclose siRNAs targeting KIF11, as well as shRNA vectors. The Examiner acknowledges, however, that claims 47, 47, 58 and 61, which are directed to SEQ ID NO: 34, are allowable.

In order to expedite prosecution claims 44 and 60 now recite “wherein said KIF11 target sequence comprises a nucleotide sequence of SEQ ID NO: 34.” Support for these amendments can be found at paragraph [0275] and [0272]. None of the prior art references cited teaches this element. Claims 48, 54-56 depend from claim 44. Claim 49-53, and 59 have been canceled. Newly added claim 69 depends from claim 60. Accordingly, Applicants respectfully submit that claim rejection under 35 U.S.C. §102 should be withdrawn.

Claim rejections under 35 USC §103

Claims 44-46 are rejected under 35 USC §103 as allegedly obvious over Wood , *et al.* (US Patent No. 6,414,121) in view of Tuschl , *et al.* (The siRNA user guide 2001) and further in view of Khvorova , *et al.* Specifically, the Examiner asserts that Wood discloses antisense molecules targeting kinesin KSP. The Examiner acknowledges that Wood does not specifically disclose double-stranded molecules specific for kinesin KSP.

The Examiner further asserts that, because Khvorova discloses that dsRNA molecules are preferential inhibitory molecules, and Wood discloses the up-regulation of kinesin KSP, one of skill would have been motivated to determine preferred dsRNA molecules specific for kinesin KSP using the siRNA user guidelines according to Tuschl (Office Action, page 8).

In response, Applicants have amended claim 44 to recite a limitation “wherein said KIF11 target sequence comprises a nucleotide sequence of SEQ ID NO: 34.” Wood fails to teach or suggest this limitation. The disclosure in Khvorova or Tuschl fails to cure this deficiency. The prior art references, either alone or in combination, fail to teach or suggest each and every claim element of claim 44. Thus, Applicants believe that claim 44, as amended, overcomes the rejection. Claim 45 has been canceled. Claim 46 depends from claim 44. Accordingly, Applicants respectfully submit that claim rejections under 35 U.S.C. §103 should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an

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early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,

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